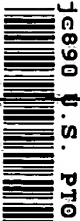


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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	10165-010-999	Total Pages	65
First Named Inventor or Application Identifier			
Michael Brines			
Express Mail Label No.	EL 501 635 573 US		

**APPLICATION ELEMENTS**  
See MPEP chapter 600 concerning utility patent application contents.

**ADDRESS TO:** Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. ☒ Fee Transmittal Form  
*Submit an original, and a duplicate for fee processing*
2. ☒ Specification [Total Pages 41]  
*(preferred arrangement set forth below)*
  - Descriptive title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R&D
  - Reference to Microfiche Appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description of the Invention (including drawings, if filed)
  - Claim(s)
  - Abstract of the Disclosure
3. Drawing(s) (35 USC 113) [Total Sheets 17]
4. Oath or Declaration (unexecuted) [Total Sheets 02]
  - a. ☐ Newly executed (original or copy)
  - ☐ Copy from a prior application (37 CFR 1.63(d))  
*(for continuation/divisional with Box 17 completed)*  
[Note Box 5 below]
  - i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33 (b).
5. Incorporation By Reference (useable if Box 4b is checked)  
The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. ☐ Microfiche Computer Program (Appendix)
7. ☐ Nucleotide and/or Amino Acid Sequence Submission  
*(if applicable, all necessary)*
  - a. ☐ Computer Readable Copy
  - b. ☐ Paper Copy (identical to computer copy)
  - c. ☐ Statement verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

8. ☐ Assignment Papers (cover sheet & document(s))
9. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
*(when there is an assignee)*
10. ☐ English Translation Document (if applicable)
11. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503)  
*(Should be specifically itemized)*
14. ☐ Small Entity Statement filed in prior application, Statement(s) Status still proper and desired
15. ☐ Certified Copy of Priority Document(s)  
*(if foreign priority is claimed)*
16. ☐ Other:

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:  
☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application.

## 18. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label 20583  
(Insert Customer No. or Attach bar code label here) or ☐ Correspondence address below

NAME				
ADDRESS				
CITY	STATE	ZIP CODE		
COUNTRY	TELEPHONE	FAX		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

Express Mail No.: EL 501 635 573 US**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Prior application: Examiner To be assignedArt Unit 1636

Assistant Commissioner for Patents  
 Box PATENT APPLICATION  
 Washington, D.C. 20231

Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 CFR § 1.53(b), of  
 pending prior application no. 09/547,220 filed on April 11, 2000.

of Michael Brines, Anthony Cerami, and Carla Cerami

(inventor(s) currently of record in prior application)

for MODULATION OF EXCITABLE TISSUE FUNCTION BY PERIPHERALLY ADMINISTERED ERYTHROPOIETIN

(title of invention)

1. ☒ The filing fee is calculated below:

**PATENT APPLICATION FEE VALUE**

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	11	-20	0	\$18.00 each	\$ 0.00
Independent	1	-3	0	\$80.00 each	\$ 0.00
Minimum Fee					\$ 710.00
Multiple Dependency Fee If Applicable (\$270.00)					\$ 0.00
<b>Total</b>					\$ 710.00
50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern (a verified statement as to the applicant's status is attached)					- \$ 355.00
<b>Total Filing Fee</b>					\$ 355.00

2. ☒ Please charge the required fee to Pennie & Edmonds LLP Deposit Account  
 No. 16-1150. A copy of this sheet is enclosed.
3. ☒ Amend the specification by inserting before the first line the following  
 sentence: This is a division of application no. 09/547,220, filed April  
 11, 2000, the entire contents of which are incorporated herein by  
 reference in its entirety.
- 4a. ☐ Transfer the drawings from the prior application to this application and  
 abandon the prior application as of the filing date accorded this

application. A duplicate copy of this sheet is enclosed for filing in the prior application file.

- 4b. ☐ New formal drawings are enclosed.
- 4c. ☒ Informal drawings are enclosed.
- 5a. ☐ Priority of application no. filed on in is claimed under 35 U.S.C. §119.
- 5b. ☐ The certified copy has been filed in prior application no. , filed .
6. ☐ The prior application is assigned of record to The Kenneth S. Warren Laboratories, at Reel , Frame .
- 7a. ☐ The Power of Attorney appears in the original papers in the prior application no. A copy of the executed Power is enclosed.
- 7b. ☐ Since the Power of Attorney does not appear in the original papers, a copy of the Power in prior application no. , filed is enclosed.
8. ☐ This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application.
9. ☐ The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no.
10. ☐ Additional enclosures or instructions.

Respectfully submitted,

Date November 21, 2000

*Laura A. Coruzzi*

30,742

Laura A. Coruzzi  
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1155 Avenue of the Americas  
New York, N.Y. 10036-2711  
(212) 790-9090

(Reg. No.)

*by Eileen E. Fahay*  
46,097  
Reg No.